

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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JOSE MILLER, on behalf of himself and all other  
persons similarly situated,

Plaintiffs

- against -

**DEFAULT JUDGMENT**  
CV 24-4814 (NJC) (SIL)

BUILDING SERVICES INC., MICHAEL A.  
GOMEZ, and VIVIAN GOMEZ

Defendant.

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A Memorandum and Order of Honorable Nusrat J. Choudhury, United States District Judge, having been filed on July 11, 2025; adopting the February 26, 2025 Report and Recommendation of United States Magistrate Judge Steven I. Locke, with the following corrections to address: (1) the calculation of Plaintiff's damages for unpaid overtime wages under the Fair Labor Standards Act ("FLSA") claims and the New York Labor Law ("NYLL"). (2) the resulting calculations of Plaintiff's liquidated damages for unpaid overtime wages and of the prejudgment interest on Plaintiff's damages for unpaid over wages, (3) the calculation of Plaintiff's damages for untimely payments pursuant to N.Y. Lab Law § 191, and (4) the attorneys' fees and costs Plaintiff may recover; granting in part and denying in part Plaintiff's Motion for Default Judgment; awarding Plaintiff with liability being joint and several as between Defendants: (i) \$7,556.79 in unpaid overtime wages under the NYLL, (ii) liquidated damages for the unpaid wages under the NYLL in the amount of \$7,556.79, (iii) damages for failure to timely pay wages pursuant to N.Y. Lab Law § 191 in the amount of \$108,313.93, (iv) attorneys' fees in the amount of \$8,993.00, (v) litigation costs in the amount of \$660.00; (vi) prejudgment

interest on the unpaid overtime wages amount of \$7,556.79 at the rate of 9% per year from the period from April 5, 2022 through the date of entry of judgment, and the Clerk of Court having calculated that amount to be \$2,226.33; (vii) post-judgment interest calculated from the date on which judgment is entered until the date on which judgment is paid, using the federal set forth in 28 U.S.C. § 1961; and directing the Clerk of the Court to enter judgment and close this case, it is

**ORDERED AND ADJUDGED** that the Plaintiff's Motion for Default Judgment is granted in part and denied in part; that Plaintiff Jose Miller is awarded a total judgment of \$142,863.63 as against the Defendants Building Services Inc., Michael A. Gomez, and Vivian Gomez, jointly and severally, plus post-judgment interest calculated pursuant to 28 U.S.C. § 1961; and that this case is closed.

Dated: July 14, 2025  
Central Islip, New York

BRENNA B. MAHONEY  
CLERK OF COURT

By: /s/ Jazmin M. Cubano  
Deputy Clerk